GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Tribal Welfare Department – Appeal Petition filed by Sri MVSN Murthy, S/o late Rama Rao, Occ: Dy. General Manager(HR), Rotary Wing Research and Design Centre, Helicopter Complex, Vimanapura Post, HAL, Bangalore, R/o Qtr.No.D-18, HAL Township, Balanagar, Hyderabad-42, against the Proceedings Rc.No.C4/792/2006, dated 25.02.2014 of the District Collector, Prakasam - under section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (AP Act No. 16/1993) – Appeal Petition dismissed – Orders Issued.

TRIBAL WELFARE (CV2) DEPARTMENT

G.O.Ms. No.78. Dated:13.11.2015

Read the following:

1. Proceedings of the District Collector, Prakasam District, Rc.No.C4/792/2006, dt:25.02.2014.
2. Appeal Petition filed by Sri MVSN Murthy, Occ: Dy.General Manager(HR), Rotary Wing Research and Design Centre, Helicopter Complex, Vimanapura Post, HAL, Bangalore, R/o Qtr.No.D-18, HAL Township, Balanagar, Hyderabad-42, dt.20.03.2014.
3. Govt.Memo.No:3625/CV.2/2014, T.W.(CV.2) Department, dt:26.03.2014.
4. From the High Court of Judicature of Andhra Pradesh, Writ Petition No.9678 of 2014, dated 28.03.2014.
5. From the District Collector, Prakasam, Lr. No.Rc.No.C4/792/2006, dt:11.08.2014.
6. Govt. Memo.No:3625/CV.2/2014,T.W.(CV.2) Department, dt:02.04.2015.

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ORDER:

In the reference 1st read above the District Collector, Prakasam has issued orders canceling ST- Yerukula Caste Certificate obtained from the then Tahsildar, Chirala on 18.02.1983 by Sri MVSN Murthy, S/o late Rama Rao, Prakasam District.

2. In the reference 2nd read above, Sri MVSN Murthy, S/o late Rama Rao, Prakasam District has filed an Appeal Petition before the Government against the Proceedings of the District Collector, Prakasam. After examining the said Appeal Petition, Government have admitted the said Appeal Petition and called for the parawise remarks and connected records from the District Collector, Prakasam in the reference 3rd read above.

3. Sri MVSN Murthy, S/o late Rama Rao, has filed Writ Petition No. 9678/2014, before the Hon'ble High Court, against the Govt. Memo.No.3625/CV.2/2014, dated 26.03.2014. In the reference 4th read above, the Hon'ble High Court of Andhra Pradesh, while disposing the said WP, in its order dated 28.03.2014 has directed to consider and pass appropriate orders on the petitioner's appeal or application for stay within three months from the dated of receipt of the order and till then proceedings of the District Collector, dated 25.02.2014 shall not be given effect. But due to several administrative difficulties the appeal petition could not be disposed off within the time limit as directed by Hon'ble High Court.

4. In the reference 5th read above, the District Collector, Prakasam has furnished the Parawise remarks and connected records on the appeal petition filed by Sri MVSN Murthy, S/o late Rama Rao, Prakasam District.

5. The said Appeal Petition has been posted for hearing on 18.04.2015 and the same has been informed to the Appellant and the Counsel for the appellant and they were requested to attend for the hearing along with all Documentary Evidences/ Certificates in support of the community claim, failing which, it will be construed that there is no claim what-so-ever in the matter and it will be decided based on the material available with the Government in the references 6th read above.

[P.T.O]

6. Government after careful examination of the records/ the copies of evidences/academic record/ grounds filed by the appellant/ the parawise remarks submitted by District Collector, Prakasam and proceedings of the District Collector, Prakasam dated:25.02.2014, it is observed that:

a) The appellant did not produce any evidence to prove the marriage of his parents Smt. Kaveti Karunamma and Sri Madduri Ramarao, much less in the year 1947.
b) He also failed to prove that his father and fore-fathers belong to Yerukala.
c) The contention of the revenue officers is that his father Madduri Ramarao belongs to OC-Kapu Community.
d) The appellant also failed to prove that he lived along with his mother and the people belonging to the community of their mother i.e. ST Yerukula Community, and they have accepted them as persons of their community.
e) He also failed to prove that they lived in ST areas and they were brought up as ST's only.
f) He did not discharge his burden of proof as envisaged under Sec.6 of the A.P. Act 16 of 1993. Much less with any cogent evidence despite having been given lot of opportunities.
g) The record produced by him mostly is school record which is generated based on the declaration given by the parents at the time of admission into the school and hence it cannot be given any weightage.

7. Further, as per G.O.Ms.No.58 S.W(E) Department, dated 12.05.1997, and G.O.Ms.No.371, Employment Social Welfare (B2) Deptt., dated 13.04.1976 the children born to inter caste marriages have to prove that they lived with their parent who belongs to ST and they used to follow the customs and rites of ST's and that the ST Community in that area accepted them as persons belonging to their Community. In so far as the present case is concerned the appellant states that he did not know the origin of his father and when the marriage of his father and mother took place and that he did not give any evidence to the effect that he lived in agency areas with ST Yerukula people. In the instant case, it is observed that his father admittedly is OC- Kapu and though there is no evidence that he lived with his mother in agency areas and brought up by her. The appellant has not produced any relevant documents in support of his ST-Yerukula community claim. Therefore the DLSC and Dist. Collector having given vast opportunity to the appellant ultimately have held that he belongs to OC-Kapu Community as that of his father, but not to ST-Yerukula Community. There is no infirmity found in the order of District Collector.

8. The Government, in exercise of the powers conferred under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (Act No.16 of 1993), decided that the appeal petition filed by Sri MVSN Murthy, S/o late Rama Rao, Prakasam District, does not deserve any interference. Hence, Proceedings of the District Collector, Prakasam issued vide Rc.No.C4/792/2006, dated:25.02.2014, is hereby upheld and the Appeal Petition filed by Sri MVSN Murthy, S/o late Rama Rao, is hereby dismissed and the Certificate issued by the then Tahsildar, Chirala deemed to be cancelled.

9. Consequently, the District Collector, Prakasam shall take necessary action in the matter.

10. The records (containing Rc.No.C4/792/2006, dated 25.02.2014, pages 01 to 506 cf, pages 1-65 nf) received from District Collector, Prakasam, through the reference 5th read above, are returned herewith in original to District Collector, Prakasam and he is requested to acknowledge the receipt of the same, immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr. A. VIDYA SAGAR
PRINCIPAL SECRETARY TO GOVERNMENT(TW)

To
The District Collector, Prakasam (w.e)
(with original records)

[Contd..]

Sri MVSN Murthy, Occ: Dy. General Manager(HR),
Rotary Wing Research and Design Centre,
Helicopter Complex, Vimanapura Post, HAL,
Bangalore, R/o Qtr.No.D-18, HAL Township, Balanagar, Hyderabad.

Sri K.Trinath Reddy, Advocate,
Flat No.201, Udaya Elite Aptmts.H.No.1-4-880/2/16,
SBH Colony, Gandhinagar, Hyderabad-80.

Copy to

The Director, TCR& TI, AP, Hyderabad.
P.S. to Hon'ble Minister(SWE&TWE).
P.S. to Principal Secretary(TW).

// FORWARDED :: BY ORDER //

SECTION OFFICER